

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DANNY M. SKINNER,)	
)	
Plaintiff,)	C.A. 07-384 SLR
)	
v.)	
)	
E.I. DU PONT DE NEMOURS AND COMPANY,)	
a Delaware corporation; E.I. DU PONT DE)	
NEMOURS AND COMPANY, Plan Administrator;)	
PENSION AND RETIREMENT PLAN; TOTAL)	
AND PERMANENT DISABILITY INCOME)	
PLAN; and SHORT TERM DISABILITY PLAN,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS

Pursuant to 28 U.S.C. § 1927 and 29 U.S.C. § 1132 (g)(1), Defendants E. I. du Pont de Nemours and Company, E. I. du Pont de Nemours and Company, Plan Administrator; Pension And Retirement Plan; Total And Permanent Disability Income Plan; and Short Term Disability Plan (collectively "DuPont" or "Defendants"), move for an award of attorneys' fees and costs incurred in the defense of this action. The grounds for this motion are:

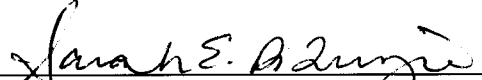
- a. the Plaintiff, Danny Skinner ("Skinner"), and his attorney brought and thereafter continued to prosecute this lawsuit knowing that the claims raised in the suit were barred by the applicable statute of limitation, having been so informed by this Court in a prior ruling involving the identical parties;
- b. Skinner and his attorney brought this lawsuit seeking prejudgment and postjudgment interest without any proper basis for doing so and without any proper investigation into the factual and legal bases for such remedy and knowing that there was no underlying judgment on which to base any interest; and

c. Skinner and his attorney brought this lawsuit seeking benefits under DuPont's Short Term Disability Plan without any proper basis for doing so and without any proper investigation into the factual and legal bases for doing so, and knowing that Skinner had in fact already received these benefits from DuPont nearly twenty years earlier.

These actions caused the Defendants and the Court to expend significant time and resources in defense of claims that were entirely without merit.

The complete grounds for this motion are set forth in Defendants' opening brief in support of this motion, filed contemporaneously herewith.

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By: 

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Attorneys for Defendants

Dated: August 28, 2008
878306/ 20120-444

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PLAN; and SHORT TERM DISABILITY PLAN,)	
)	
Defendants.)	

ORDER

Defendants' Motion for Attorneys' Fees having been presented to and considered by the Court;

IT IS HEREBY ORDERED this _____ day of _____, 2008 that:

- (1) Defendants' Motion for Attorneys' Fees is hereby **GRANTED**; and
- (2) Plaintiff Danny M. Skinner and his counsel, John M. Stull, Esquire, are jointly and severally liable to Defendants for their attorneys' fees and expenses in connection with the defense of this action in the amount of **\$12,763.07**.

The Honorable Sue L. Robinson
United States District Court Judge

CERTIFICATE OF SERVICE

I, Sarah E. DiLuzio, hereby certify that on August 28, 2008, I electronically filed a true and correct copy of the foregoing **DEFENDANTS' MOTION FOR ATTORNEYS' FEES** with the Clerk of the Court using CM/ECF which will send notification of such filing, which is available for viewing and downloading from CM.ECF.

VIA CM/ECF NOTIFICATION

John M. Stull, Esquire
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/s/ Sarah E. DiLuzio
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